

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the following remarks and the attached terminal disclaimers. Entry thereof is respectfully requested.

Obviousness-type Double Patenting Rejection

In the Office Action, beginning at page 2, Claims 1 and 10 were rejected under the judicially-created doctrine of obviousness-type double patenting as reciting subject matters that are allegedly not separately patentable over the subject matters recited in Claims 5, 7, 9, and 11 of co-pending U.S. Patent App. No. 11/563,289. Applicant respectfully requests reconsideration of this rejection.

A Terminal Disclaimer accompanies this Response.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1 and 10 are separately patentable over the subject matters of Claims 5, 7, 9, and 11 in the '289 patent application, and therefore respectfully requests withdrawal of the rejection thereof.

In the Office Action, beginning at page 3, Claims 1 and 10 were rejected under the judicially-created doctrine of obviousness-type double patenting as reciting subject matters that are allegedly not separately patentable over the subject matters recited in Claims 8-11 of U.S. Patent No. 7,169,587. Applicant respectfully requests reconsideration of this rejection.

A Terminal Disclaimer accompanies this Response.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1 and 10 are separately patentable over the subject matters of Claims 8-11 in the '587 patent, and therefore respectfully requests withdrawal of the rejection thereof.

Request for Rejoinder of Withdrawn Claims

Furthermore, as it appears all outstanding issues are resolved and claims 1 and 10

are ready for allowance, Applicants respectfully request the rejoined of previously withdrawn claims 8-9 and 11-12. This request complies with the provisions of M.P.E.P. §821.04, in that claims 8-9 and 11-12 are process claims that depend from or otherwise include all the limitations of the now patentable product, and therefore, should be entered as a matter of right. The process claims meet all the requirements of 35 U.S.C. §§ 101, 102, 103, and 112.


Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Ramirez believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, she is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By: 
Shelly Guest Cermak
Registration No. 39,571

U.S. P.T.O. Customer No. 38108
Cermak Kenealy & Vaidya, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608

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